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COMPATIBILITY OF OFFICES:  
Library Board Trustee and  
School Board Member

Honorable Jack O'Malley  
State's Attorney, Cook County  
500 Richard J. Daley Center  
Chicago, Illinois 60602

Dear Mr. O'Malley:

I have your letter wherein you inquire whether one person may simultaneously serve as a library district trustee and as a member of a school board. For the reasons hereinafter stated, it is my opinion that these two offices are not incompatible, and one person may, therefore, hold both offices simultaneously.

The doctrine of incompatibility of offices precludes one person from holding two public offices when the written law of the State specifically prohibits the occupant of either one of the offices in question from holding the other, or when the duties of either office are such that the holder of one office

cannot, in every instance, fully and faithfully perform all the duties of the other office. (People ex rel. Myers v. Haas (1908), 145 Ill. App. 283.) There is no constitutional or statutory provision which would prohibit a library district trustee from simultaneously serving as a school board member. Therefore, it is necessary to examine the duties of the two offices to determine whether the incumbent of one can, in every instance, fully and faithfully perform all of the duties of the other.

Public library districts are organized pursuant to the provisions of the Illinois Public Library District Act (Ill. Rev. Stat. 1991, ch. 81, par. 1001-1 et seq; 75 ILCS 15/1-1 et seq. (West 1992)). The selection and duties of trustees are governed by article 4 of the Act (Ill. Rev. Stat. 1991, ch. 81, par. 1004-1 et seq; 75 ILCS 15/4-1 et seq. (West 1992)). It is the duty of the trustees to establish, support and maintain a public library or libraries within their district, and to furnish library service to the residents of the district (Ill. Rev. Stat. 1991, ch. 81, par. 1004-11; 75 ILCS 15/4-11 (West 1992)). No provision of the Act expressly authorizes or requires library districts to contract with or otherwise provide services to school boards.

School boards are governed by the provisions of the School Code (Ill. Rev. Stat. 1991, ch. 122, par. 1-1 et seq; 105 ILCS 5/1-1 et seq. (West 1992)). The manner of selection,

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powers and duties of school board members (except in cities with a population exceeding 500,000) are set out in article 10 of the Code (Ill. Rev. Stat. 1991, ch. 122, par. 10-1 et seq; 105 ILCS 5/10-1 et seq. (West 1992)). Each school board exercises extensive powers over the operation of the schools within its district. No provision of the School Code, however, expressly authorizes a school district to contract with a library district for the provision or receipt of services.

In the absence of express authorization for library districts and school districts to contract for services, there appear to be no circumstances in which the duties of the offices of public library trustee and school board member would necessarily conflict. Therefore, since nothing would prevent a person who serves as both a school board member and a library trustee from faithfully fulfilling all of the duties of both offices, it is my opinion that the two offices are not incompatible, and one person may, therefore, hold both offices simultaneously.

Respectfully yours,



ROLAND W. BURRIS  
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